

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Berkeley HeartLab, Inc.,

Petitioner,

v.

Berkeley Heart Europe AS,

Respondent.

Civ. No. 1:14-cv-14059-FDS

ORDER CONFIRMING FOREIGN ARBITRAL AWARD

Based on Petitioner, Berkeley HeartLab, Inc.'s ("BHL's") request for confirmation of foreign arbitral award and entry of judgment, and for the reasons set forth in BHL's Petition to Confirm Foreign Arbitral Award (Dkt. 1), this Court hereby issues the following order:

1. The Foreign Arbitral Award is hereby confirmed and judgment is entered against Respondent, Berkeley Heart Europe AS, pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, 21 U.S.T. 2517, T.I.A.S. No. 6997, 330 U.N.T.S. 38 (1970);
2. BHL is awarded the following in damages:
 - (a) \$750,000 in principal, plus interest at the rate of 5.09%, compounded annually, from the date of borrowing of August 31, 2007 until the date of the Foreign Arbitral Award, February 14, 2014;

(b) \$1,202,902 in arbitration costs, including legal fees and expenses; and

(c) Pre-judgment interest at the rate of 12% as applied by the Supreme Judicial Court in *Conn. Valley Sanitary Waste Disposal, Inc. v. Zielinski*, 436 Mass. 263 (2002), or a rate otherwise determined by the Court, compounded annually, from the date of the Foreign Arbitral Award, February 14, 2014, until the date of the entry of the judgment, in an amount calculated by the Court once judgment is entered.

3. BHL shall also be awarded post-judgment interest pursuant to 28 U.S.C. § 1961, such interest calculated from the date of the entry of the judgment, computed daily to the date of payment.

Dated: ^{April 13,} ~~March~~ __, 2015



Honorable Judge F. Dennis Saylor IV
U.S. District Court, District of Massachusetts